

That the members of the said convention be and they are hereby, requested to make all necessary provisions, by law, for the proper carrying out of the submission of the new constitution to the people of this commonwealth, as provided for in section four of this schedule.

That when this convention adjourns it will adjourn to the city of Frankfort in the town of Frankfort on the first Monday of June, 1850, with the view, and for the purpose, of ascertaining the result of the vote upon the new constitution. If the same shall have been ratified by a majority of all those voting for and against it, this convention shall proceed to publish a new constitution, to be called as the "Constitution of Kentucky," and proceed further to provide for putting the new government into operation. If it shall be found that a majority of all those voting for or against it, has been cast against it, then said constitution shall be forthwith re-adopted and re-published in the present constitution as the constitution of the State."

to the result that of vote should have been left to the chances of human agency, as I remarked, over which we have no control—had we not been so anxious to limit the franchise, to admit there is a remote possibility of equal votes, determining this question, then we have no power to settle the controversy between the old and new constitution; had we adjourned, leaving its contest to be affected by spurious and illegal votes, with no power to purge the polls, with no power to amend the constitution, to reject the spurious votes, on one side or the other, with no power to make such provision as is necessary to ascertain the final result—I suppose, then, we would have been considering as having faithfully carried out our pledge to the people would have had a fair chance to elect the men of their own choice, and to vote for the retention of the old one. But what is this? Is it conjecture? What are the apprehensions of gentlemen? That if the people of Kentucky, after they looked at our work, shall become satisfied that the change of the tenure of office, and the mode of appointment, that while the tenure of office is wrong, and the mode of appointment and the tenure of office—the frame work and principles of the constitution of government, as prescribed by the old constitution, were now preferred by them—that we should come back as a set of usurpers, and attempt to re-establish the same principles, and re-establish the same principles of the same

elder gentleman from Nelson, (Mr. Hardin, moved to amend his report on the nomenclature of the report? Did he not then claim the privilege of closing that debate? I thought the same gentleman had extended to me, but it seemed that he had not. I was not prepared to alter the rule in the general assembly, and I was altered, and when he was chairman, and when it appeared to be, I was plainly told I must either speak before him or not at all.

I have felt no peculiar or personal interest in the adoption of this report, and the only reason I have for speaking at all, was to justify the committee and myself, and to show to the country that I had not proved recently my confidence or that of the commonwealth, in making a report without full examination of every principle contained in it. I was clearly satisfied that it was not necessary to come back and say that I had not, and that I was possessed of the power of saying when, how, and in what manner, the new constitution should go into effect. I honestly thought that this convention ought not to re-assemble for the mere idle ceremony of proclaiming the constitution to be "the constitution." When the report was made known, I was told that the power of the constitution to enforce a compliance with its provisions was denied, but the impolicy of a final adjournment was eloquently portrayed—for myself, I know myself, all that I desired was to meet this question of the power of the convention. I desired briefly to offer a few remarks, and then to retire.

of a meeting. It provided, by appropriate provisions, for our election; but was in all other respects silent. The election came on—delegates were elected, and we found ourselves a regular assembly, with no other authority than that of October—met together for the purpose of forming a new constitution. This convention, I have before stated, owed its existence to legislative enactment; but when it was organized, that law had no longer any binding influence upon it. If the act which called us into existence, had not positively prohibited the exercise of our power as delegates, by setting out particular defects in the present constitution, restricting our power to those amendments, is it contended that we would have been bound by such an act. Unquestionably not. Our acts as members of the convention already mentioned, were not those of delegates, but of a body auditing their accounts, and fixing their pay at three dollars per day for the whole session, instead of three dollars for the first six days and two dollars for the remainder. We did this in express violation of the legislative act, as construed by the attorney general—fixing the pay of the delegates at three dollars a day, except by the power of this body's doubt, I am told the attorney general did not doubt, our power to fix our pay. His construction of the act of the legislature fixed our pay at three dollars for the first sixty days, and two dollars for the remainder of the session; but I am certain that the legislature never intended to give

"Under the species but hollow pretence of constitutional enactment. Away with such a heresy, and strike it away from any arch on which we propose to build!"

"In answer to the objections of a republican government, then we are sovereign, then we are supreme, and have power to carry this thing out." It was for this reason that I voted for the proposition of the gentleman from Bourbon, in which he declared that the right of the people is above and higher than all constitutions. I voted for it, because I believe that the people are the undomestic savage, where in human constitution exists, where he shall kill his brother, or his bear, is entitled, as the h-landian is to his axe, to the kings; and when they are attempted to be taken away from him, it is a violation of his natural law. I believe he goes into a compact with others, and I believe that he has a right to demand protection to his property. I believe government is intended for the protection of life, liberty and property, and when any attempt to violate any of them, they overstep that compact and become usurpers. Such are my crude views on the relations of the powers of this convention. Look into the history of the relations of the thirteen states and see how many of them assembled according to the proposition of my friend from Nelson, (Mr. C. A. Wickliffe,) to redopt that constitution or to proclaim it. Examine them still further, and see how many of them, after a submission, have entrusted to

we examined the subject with the lights which  
come nearest home to his own conscience and  
his own constituents; but there are one or two  
persons which, as a matter of expediency, strike  
at this theme force. While I believe that every  
man of this nation is destined to be  
approved, it may be an important question  
whether we shall, by coming back here, give  
strength to the new constitution. I came to the  
conclusion that we should weaken it by coming  
back. I maybe wrong; but I will state the reason.  
We are to re-assemble, we are to re-  
assemble the same body, and we are to  
give to our constituents which now bind  
us. Suppose that some six, or eight, or ten, should  
and out we had honestly mistaken what our people  
desired. Would not they be compelled to  
rise up and move a reconsideration of that por-  
tion of the report on the judiciary. If I recollect right  
the report on the judiciary has three votes  
of four or four only. On other subjects, there  
will closer votes. Gentlemen will return here  
with express injunctions that they shall change  
their votes, and it is done. We then really  
change the constitution. Does any gentleman  
think that we should be obliged to re-submit  
when we had changed the constitution?  
point? It is no longer the constitution  
we first submitted. It is a new constitution  
changed in some important feature. Two or  
three votes would do this. Does not honesty  
and good faith require that if we change it,







# KENTUCKY LEGISLATURE.

## ALPHABETICAL ROLL OF THE SENATE OF KENTUCKY.

OLIVER ANDERSON, from the 31st District.  
GEORGE W. BARBOUR, from the 11th District.  
WILLIAM BARNETT, from the 8th District.  
JOSEPH S. BLEDSOE, from the 9th District.  
WILSON P. BOYD, from the 35th District.  
JAMES BRIDGES, from the 21st District.  
WALTER CHILES, from the 33rd District.  
JOHN COFER, from the 14th District.  
WILLIAM DAVIS, from the 29th District.  
JOHN EAKER, from the 1st District.  
SAMUEL S. ENGLISH, from the 16th District.  
BEN EDWARDS GRAY, from the 3d District.  
CHARLES HAMBLETON, from the 13th District.  
J. RUSSELL HARRIS, from the 25th District.  
EDWARD D. HARRIS, from the 15th District.  
OVERTON P. HOGAN, from the 28th District.  
JAMES JACKSON, from the 24th District.  
JOHN W. LEATHERS, from the 26th District.  
THOMAS P. LINTHICUM, from the 18th District.  
JOHN F. McLELLAN, from the 36th District.  
WILLIAM C. McNARY, from the 12th District.  
JOHN S. MEDLEY, from the 19th District.  
WILLIAM E. McNEEL, from the 7th District.  
JAMES M. RICE, from the 34th District.  
JOHN W. RUSSELL, from the 17th District.  
NATHANIEL P. SANDERS, from the 30th District.  
WILLIAM SPALDING, from the 21st District.  
JOHN SPEED SMITH, from the 23rd District.  
THOMAS SPEED, from the 10th District.  
DAVID THORNTON, from the 32nd District.  
GEORGE W. THURPEL, from the 5th District.  
WALTER L. UNDERWOOD, from the 6th District.  
CYRUS WHITE, from the 22nd District.  
WILLIAM K. WALL, from the 27th District.  
JAMES V. WALKER, from the 4th District.  
ALEXANDER WHITE, from the 38th District.  
GEORGE W. WILLIAMS, from the 37th District.  
THOMAS I. YOUNG, from the 37th District.

## ALPHABETICAL ROLL OF THE MEMBERS OF HOUSE OF REPRESENTATIVES.

IGNATIUS ABELL, of Taylor county.  
TANDY N. ALLEN, of Shelby county.  
JOHN E. ARNOLD, of Hopkins county.  
ROBERT F. BAIRD, of the city of Louisville.  
PALESTINE P. BALLARD, of Madison county.  
WILLIAM F. BARRETT, of Green county.  
JAMES P. BATES, of Barren county.  
JOHNSON D. BEARD, of Spencer county.  
JOHN T. BEYER, of Pendleton county.  
ROBERT BLAIR, Jr., of Lincoln county.  
PATRICK H. BLACKSHAW, of Oldham county.  
FREDERICK A. BOYD, of Campbell county.  
JOHN C. BRECKINRIDGE, of Fayette county.  
GEO. N. BROWN, of Floyd, Pike and Johnson counties.  
THOMAS BROWN, Jr., of Henry county.  
RICHARD J. BROWN, of Washington county.  
JEFFERSON BROWN, of Union county.  
JOHN B. BRUNER, of Breckinridge county.  
JOHN T. BUCHER, of Todd county.  
GABRIEL S. CALDWELL, of Boyle county.  
SAMUEL CARPENTER, of Allen county.  
JOSEPH C. CHRISTOPHER, of Jessamine county.  
ELIAN COFFEY, of Russell county.  
PRESTON H. COLLIER, of Clay, Letcher and Perry counties.  
BENJAMIN P. CONNELL, of Trimble county.  
ELIJAH CLAYTON, of Warren county.  
STEPHEN B. CURRAN, of Harrison county.  
COLEMAN DANIEL, of the city of Louisville.  
ISAAC H. DEWEES, of Grayson county.  
FRANCIS U. DODDS, of Calloway and Marshall counties.  
JOSEPH DOWNS, of Bracken county.  
GREEN DUNCAN, of Nelson county.  
WM. DUNN, of Butler and Edmonson counties.  
WILLIAM H. DURAN, of Simpson county.  
FREDERICK U. EVANS, of Logan county.  
JAMES EWING, of Bath county.  
EZEKIEL H. FIELD, of Woodford county.  
JOHN L. FITCH, of Lewis county.  
GABRIEL J. GAINES, of Boone county.  
THOS. S. GLOUGHER, of Hardin county.  
JIM C. GLASS, of Owen county.  
WM. T. HAMILTON, of Marion county.  
THOMAS H. HANES, of Anderson county.  
BES. HARRISON, of Fleming county.  
DANIEL H. HARRISON, of Christian county.  
JOHN O. HARRISON, of Louisville city.  
THOMAS HART, of Clarke county.  
JACOB B. HAYDEN, of Hardin county.  
JOHN HUBB, of Jefferson county.  
DAVID HUBBARD, of Hart county.  
WM. A. HOOE, of Mercer county.  
WM. HOWELL, of Laine county.  
BEN JOHNSON, of Daviess county.  
RICHARD JONES, of Greenup county.  
CALEB KASH, of Morgan and Breathitt counties.  
FRANKLIN KENNEDY, of Bourbon county.  
JOHN K. A. KING, of Cumberland and Clinton counties.  
JOHN K. KING, of Jefferson county.  
SAMUEL A. KINGMAN, of Livingston county.  
JOSEPH S. LANGFORD, of Laurel and Rockcastle counties.  
SPENCER MARBLE, of Crittenden county.  
WILLIAM B. MASON, of Garrard county.  
LESLAY D. MACPAIN, of Madison county.  
WILLIAM B. MCCONNELL, of Hickman and Fulton counties.  
THOMAS J. McGINNIS, of Grant county.  
JOHN MCCARTHY, of Mason county.  
JAMES P. METCALFE, of Nicholas county.  
WILLIAM D. MILLER, of Knox and Harlan counties.  
GIVEN MITCHELL, of Shelby county.  
LEVI MONROE, of Whitley county.  
JAMES MONROE, of Franklin county.  
DANIEL MONROE, of Kenton county.  
DORY NELL, of Adair county.  
ROBERT A. PATTERSON, of Caldwell county.  
HENRY C. PINDALL, of Fayette county.  
GEORGE PORTMAN, Jr., of Casey county.  
JOHN T. QUARLES, of Pulaski county.  
JOHN T. RAYLIFF, of Lawrence and Carter counties.  
SAMUEL RAY, of Monroe county.  
JOHN H. RIDDLE, of Estill and Owsley counties.  
THOMAS W. RILEY, of Nelson county.  
ABRAHAM SCRUGGS, of Carroll and Gallatin counties.  
QUINCY C. SHANKS, of Hancock and Ohio counties.  
PHILIP B. SHEPHERD, of Meade county.  
GEORGE W. SHORT, of Muhlenburg county.  
WILLIAM E. SHANKS, of Bourbon county.  
D. HOWARD SMITH, of Scott county.  
JAMES SOWLEY, of Fleming county.  
JAMES M. STONE, of Henderson county.  
STANLEY THOMAS, of Trigg county.

ADDITION L. THOMSON, of Harrison County.  
JAMES V. WARREN, of Wayne county.  
EMERY WHITTAKER, of Mason county.  
WILLIAM F. WHITE, of Montgomery county.  
CHARLES WICKLIFFE, of Ballard and McCracken counties.  
ALEXANDER H. WILLINGHAM, of Graves county.  
WILLIAM WILSON, of Bullitt county.  
JOHN H. WOOD, of Logan county.  
WILLIAM J. WOOD, Jr., of Barren county.  
EDMUND WOOLDRIDGE, of Christian county.

## MONDAY, DECEMBER 31, 1849.

This being the day appointed by law for the assembling of the Legislature, both houses met in their respective chambers.

## IN SENATE.

At a few minutes after 11 o'clock the Lieut. Governor, Hon. JOHN L. HELM, took the chair, called to order, and addressed the Senators briefly, as follows:

SENATORS.—I am happy to meet you again in health and happiness. I trust you have all left your families and friends at home in the blessing of good health. You need no admonition as to the importance of good order and decorum in the transaction of our duties here; and therefore, without detaining you, we will proceed at once to the organization of the Senate.

The roll was then called. All the Senators were present except Messrs. DAVIS, HOBBS, McLELLAN, McNARY, J. Speed Smith, and Walker.

The following new Senators were qualified: Judge Hord administering the oath of office, viz: Messrs. Anderson, Bledsoe, Jackson, Leathers, Medley, Sanders, Spalding and Underwood.

The Senate then proceeded to the election of a Clerk.

Mr. McNARD nominated THOMAS H. KOLBACH, and there being no other nominations, he was declared unanimously elected.

The next in order was the election of a Secretary.

Mr. BOYD nominated THOMAS D. TILFORD. Mr. HAMBLETON nominated GEORGE C. SEBASTIAN.

The vote being taken resulted as follows: For TILFORD, 23; For SEBASTIAN, 6. Mr. TILFORD was then declared to be duly elected.

The election of a Sergeant-at-Arms being in order, Mr. TRIPLETT nominated JOHN D. McCLURE, and there being no other nomination, he was declared unanimously elected.

The Senate then proceeded to elect a Door-keeper.

Mr. SPEED nominated BENJAMIN SELBY. Mr. RUSSELL nominated LEWIS B. FENWICK. Mr. CHILES nominated ALLEN T. MOCABEE.

Upon nominating Mr. MOCABEE, Mr. CHILES said that Mr. MOCABEE was known to but few of the Senators, it might be proper for him to say a few words concerning him. Mr. M. was a young man of good character, and well qualified for the office for which he had nominated him. In the late war with Mexico, he had served as a Sergeant. He did his duty well as a soldier; and was wounded at the battle of Cerro Gordo. That wound had disabled him from pursuing his regular business, and but for that fact he would not now be a candidate for this office.

Mr. RICE nominated CHARLES S. JOHNSON. The vote being taken, resulted as follows:

For SELBY, 14; For FENWICK, 10; For MOCABEE, 6; For JOHNSON, 2.

No candidate having a majority of all the votes cast, the Senate continued to take four more votes with the following result:

SECOND VOTE. For SELBY, 14; For FENWICK, 10; For MOCABEE, 7; For JOHNSON, 1.

On the third vote, Mr. JOHNSON was then withdrawn.

THIRD VOTE. For SELBY, 14; For FENWICK, 8; For MOCABEE, 10.

FOURTH VOTE. For SELBY, 15; For FENWICK, 7; For MOCABEE, 10.

FIFTH VOTE. For SELBY, 17; For FENWICK, 2; For MOCABEE, 13.

Mr. SELBY having received a majority of all the votes cast, was declared duly elected.

This completed the organization of the Senate.

On motion of Mr. RUSSELL the following resolution was adopted:

Resolved, That WILLIAM L. CALLEDEN be allowed a seat within the bar of the Senate, for the purpose of reporting its proceedings for the Daily Commonwealth.

On motion of Mr. COFER, the following resolution was adopted:

Resolved, That WILLIAM T. SAMUELS be permitted a seat within the bar of the Senate, for the purpose of reporting its proceedings for the Kentucky Register.

It being understood that the House of Representatives had adjourned without effecting an organization, the Senate also then adjourned.

## HOUSE OF REPRESENTATIVES.

The HOUSE OF REPRESENTATIVES was called to order on Monday, December 31st, 1849, at 11 o'clock, A. M., by THOMAS J. HELM, Esq., late clerk of the body.

The roll was called, and all the members elected appeared at the Clerk's desk, and took the oath prescribed by the constitution, administered by Mr. Wm. Wilson, William Dunn, Edmund Wooldridge, and Ben. Harrison. The oath was administered by R. C. McKee, Esq., a Justice of the Peace in and for the county of Franklin.

ELECTION OF SPEAKER.

The Clerk announced the election of Speaker to be first in order.

Mr. D. H. SMITH nominated THOS. W. RILEY, of Nelson.

Mr. GEO. N. BROWN nominated ROBERT A. PATTERSON, of Louisville.

Mr. W. A. HOOE nominated JOHN C. BRECKINRIDGE, of Fayette.

The House proceeded to take a ballot, which resulted as follows:

For Mr. RILEY, 33; For Mr. PATTERSON, 20; For Mr. BRECKINRIDGE, 39.

There being no election, the House proceeded to take a second ballot, which resulted as follows:

For Mr. RILEY, 33; For Mr. PATTERSON, 21; For Mr. BRECKINRIDGE, 35.

Mr. SIMMS moved an adjournment. Upon this motion Mr. HOOE demanded the yeas and nays.

Mr. SIMMS withdrew his motion.

Mr. HERR nominated EZEKIEL H. FIELD, of Woodford, as a candidate for Speaker.

The third ballot was had, which resulted as follows:

For Mr. RILEY, 28; For Mr. PATTERSON, 18; For Mr. BRECKINRIDGE, 39; For Mr. FIELD, 7.

Mr. BRECKINRIDGE. I feel profoundly grateful to those friends who have given me their votes. The most of us are here for the first time, and are strangers to each other, which is an additional reason why I never can forget this proof of their confidence. But it seems to me that the continuance of my name before the House would not promote any useful end. I therefore respectfully take the liberty of withdrawing it from the list of candidates, and of requesting my friends not to vote for me on any future ballot.

Mr. WHITTAKER nominated W. A. HOOE, of Mercer.

And the House proceeded to take the fourth ballot, which resulted as follows:

For Mr. RILEY, 27; For Mr. PATTERSON, 14; For Mr. HOOE, 39; For Mr. FIELD, 12.

There being no election, Mr. HERR moved that the House adjourn, which motion prevailed, upon a call for a division, yeas 34—nays not counted.

And the Clerk pronounced the House adjourned until to-morrow at 10 o'clock.

## FRANKFORT.

TUESDAY, JANUARY 1, 1850.

JOHN W. FINNELL, Editor.

THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY met at the Capitol in this city on yesterday.

The Senate was organized without difficulty—Lieut. Governor HELM presiding and the old officers were all re-elected.

The House of Representatives failed to organize. Several ballots were had for Speaker without an election. The votes are given in our reports under the Legislative head.

The special election held in the county of Fleming on Monday, Tuesday and Wednesday last, to fill the vacancy in the House of Representatives, occasioned by the resignation of WALTER J. LACY, Esq., resulted, we learn, in the election of BEN. HARRISON, Esq., (Whig) by a majority of about 100, over his democratic competitor, T. J. McNEERSON. Mr. H. was not in the House on yesterday, though we learn he will probably be in his seat to-day.

We regret to learn that WILLIAM WILSON, Esq., the Representative elect from the county of Bullitt, was unable to take his seat in the House on yesterday in consequence of indisposition. We hope he will be sufficiently recovered to be able to take his seat to-day.

We have not had a word from Congress for several days past. Nothing of interest will be done in that body we suppose until after the Christmas holidays.

## BY TELEGRAPH.

From the Louisville Courier.

FOREIGN NEWS.

NEW YORK, Dec. 29.

ENGLAND.—It is said Parliament will convene in the middle of January to expedite business. The question of a relaxation of the national expenditures, will form a new aspect.

The rates of discount by the bank are said to be the product of a recent convulsion. The committee of the Exchequer will lay before holders of stock the proposal to accept the reduction of the rates of interest, which will save to the country several millions.

The Queen dowager, Adelaide, died on the 21st inst.—aged 85.

Another expedition is fitting out for Bahreigh Straits, in search of Sir John Franklin.

FRANCE.—Four hundred of the June insurgents had arrived at Paris, being liberated by the Attorney General, from Havre.

The elections had been postponed till the 25th January.

Lord Rolin has issued a pamphlet denouncing his conduct on the 13th June. The pamphlet has been seized, and proceedings instituted against the printer.

Orders have been sent to withdraw a portion of the army from Rome.

Measures have been taken to improve the condition of the emigrant slaves of France.

The Assembly rejected the motion to abolish the death punishment for all offences. The Lyons court martial has sentenced a number of the June insurgents for a term of years.

ITALY.—The fortress Gaeta is being repaired and armed. The punishment is fixed with troops, and arrests continue to be made. The treasury of the Card-Primate is reported insolvent. No time has been fixed for the return of the Pope.

TURKEY.—Advices from Constantinople to the 25th October, report the extradition question as not settled, and not likely to be. The Car parts in leaving the Hungarians and Poles being expelled from the Ottoman Empire. The Porte resists these demands. The matter thus stands, and the two governments are preparing for a hostile meeting if necessary. Prussia is increasing her fleet; liberty is given to export bullion from the Russian Empire.

ARMENIA AND HUNGARY.—The State seige will be renewed the 1st of January. The affairs in Hungary continue unsettled. It is said that Mettrich has written to an Austria Minister declaring that the Austrian Monarch cannot enjoy a lasting peace unless Hungary is maintained in its pre-revolutionary relations as a separate State with Austria. The Hungarians and Poles being expelled from the Ottoman Empire. The Porte resists these demands. The matter thus stands, and the two governments are preparing for a hostile meeting if necessary. Prussia is increasing her fleet; liberty is given to export bullion from the Russian Empire.

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## COURT OF APPEALS.

MONDAY, December 31, 1849.

CASES HEARD.

Waller v. Hall's Ex'r, decree, Franklin; rev'd; Lillard v. McGee, decree, Jessamine; affirmed; Same v. Kellie, &c., decree, Anderson; affirmed; Dorey v. Harper, &c., decree, Louisville; affirmed.

ORDERS.

Mitchell v. Moore, &c., decree, Louisville; Smith v. Moberly, decree, Mercer; Cole v. Stephens, &c., judgment, Mercer; Foster v. White, &c., judgment, Laurel; were argued.

On the Motion of the Daily Commonwealth: Pleas in answer to PHILIP SWIGERT as a candidate for Councilman in the Third Ward. It

We are authorized to announce SANFORD GOINS as a candidate for Councilman in the Second Ward, at the election to be held on the first Saturday in January, 1850.

We are requested to say that WM. C. SKEEL is a candidate for Councilman at the ensuing election, in the Sixth Ward.

It JAMES SHANNON will consent to serve as Councilman, he will be supported by many voters in the Fifth Ward.

Mr. JOHN BAITZELL will be supported as Councilman in the Fourth Ward, by (1) Many Voters.

We are authorized to announce WILLIAM TANNER as a candidate for Councilman in the Seventh Ward, at the ensuing election.

Editor of the Commonwealth: Please say JOHN M. SHARP is a candidate for Councilman in the Second Ward. Dec. 20—td



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